IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.8123/06
M/s. Bharat Agency Vs. ADJ No.2, (SD) No.2, Jaipur City, Jaipur.

Date of order : 12/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Bihari Lal Agrawal for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 11.8.2006 whereby the learned trial court in the suit filed by the respondent against the petitioner for his eviction on the ground of non-using has rejected the application of the petitioner for producing photographs of the stock ledger register as secondary evidence. The application was filed under Section 65 of the Evidence Act on the premise that original of the stock ledger register

pertaining to year 2000-01 has been destroyed and therefore the photographs can be taken in evidence.

Learned counsel for the petitioner has argued that by way of stock ledger register, the petitioner wanted to prove as to on what date goods were received and on what date they were dispatched. I am not persuaded to uphold the argument because the stock ledger register mainly contains the entries of the goods which are received or which are dispatched. Mere entry of receipt or dispatch of the goods in the stock ledger register does not by itself prove that the stock was unnecessarily stored in the godown on which the dispute was raised in the suit in question. The stock may be stored anywhere, either in the shop or in other godown or even delivered to the buyer / customer directly. Even otherwise, the

written statement of the petitioner having been filed on 14.8.2002, at this stage permitting the photographs of the stock ledger register as secondary evidence, in my considered view, is not justified.

The writ petition is dismissed.

(MOHAMMAD RAFIQ), J.

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